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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,690	08/10/2001	Raimo Bakis	YOR920010422US1 (14618)	6478
7590	12/02/2004		EXAMINER PENDLETON, BRIAN T	
Steven Fischman, Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			ART UNIT 2644	PAPER NUMBER

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/927,690

Applicant(s)

BAKIS ET AL.

Examiner

Brian T. Pendleton

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2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 16, 18-21, 26 and 33 is/are rejected.
- 7) ☒ Claim(s) 5-8, 10-15, 17, 22-25, 27-32 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addeo et al in view of Durlach et al, US Patent 5,828,997. Addeo discloses an apparatus comprising a microphone 150, computer 160 functioning as a sensor for determining the speaker and as an encoder for encoding the audio signal with a speaker identification signal, a decoder for extracting the audio signal. Addeo does not specify using a speaker indicator number, however it would have been obvious to use a number as the speaker identification signal for the purpose of uniquely distinguishing a speaker as well known in the art. Furthermore, Addeo does not disclose decoding the speaker indicator number so as to enable the deriving of a speaker recognition model. Durlach discloses a speech recognition system that relies on the determination of the direction of a sound source. Different speech recognition models result from different analyses of the direction of the sound source. Thus, it was advantageously well known that speech recognition was dependent on the source of audio. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to decode the speaker identification number to enable a speaker recognition model determination of the speaker for the purpose of correctly recognizing the audio. Claims 1, 3, 4, 16, 18, 20, 21 and 33 are met. Per claims 9 and 26, the microphone 150 of Addeo comprises a plurality of microphone elements.

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Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addeo et al in view of Durlach et al as applied to claims 1 and 18 above, and further in view of Abe et al, US Patent 5,323,257. The combination of Addeo and Durlach does not disclose that the sensor, encoder and audio signal producing device are install in said microphone. Abe et al disclose a system comprising a microphone which incorporates a sensor, encoder, and signal producing device. It would have been obvious to one of ordinary skill in the art at the time of invention to consolidate all the processing components of the combination of Addeo and Durlach into the microphone, as taught by Abe, for the purpose of conserving space.

***Allowable Subject Matter***

Claims 5-8, 10-15, 17, 22-25, 27-32, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

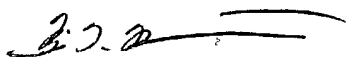
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian T. Pendleton  
Examiner  
Art Unit 2644